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TO EXAMINER MATTHEW D. ANDERSON**

**OFFICIAL**

TO: Commissioner for Patents  
Attn: Examiner Matthew D. Anderson  
Group Art Unit 2186  
Patent Examining Corps  
Facsimile Center  
Washington, D.C. 20231

FROM: David W. Victor

OUR REF: 0018.0074  
TELEPHONE: 310-556-7983

Total pages, including cover letter: 25

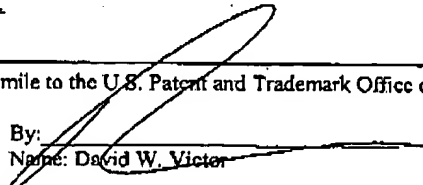
**PTO FAX NUMBER 1-703-872-9306**

If you do NOT receive all of the pages, please telephone us at 310/556-7983, or fax us at 310/556-7984.

Title of Document Transmitted: TRANSMITTAL OF AMENDMENT (+COPY OF  
SAME); RESPONSE TO FINAL

Applicant: D.A. Burton et al.  
Serial No.: 09/630,228  
Filed: August 1, 2000  
Group Art Unit: 2186  
Docket No.: TUC920000013US1

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on  
May 18, 2004

By:   
Name: David W. Victor

FORM PTO-1083

PATENT  
TUC920000013US1  
0018.0074

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
D.A. Burton et al.  
Serial No.: 09/630,228  
Filed: August 1, 2000  
For: METHOD, SYSTEM, AND DATA  
STRUCTURES FOR USING METADATA  
IN UPDATING DATA IN A STORAGE  
DEVICE

Examiner: Matthew D. Anderson

Art Unit: 2186



Sir:

Transmitted herewith in the above-identified application is an:  
X Amendment 22 pages.

The fee has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO PREVIOUSLY PAID FOR	PRESENT EXTRA RATE	ADDIT. FEE	OR	RATE	ADDIT. FEE
TOTAL	48	MINUS 51	= 0	x	\$0	OR	x 18 \$0
INDEP CLAIMS	14	MINUS 11	= 3	x	\$0	OR	x 86 \$258
				+	\$	OR	+ 290 \$
				TOTAL	\$0	OR	TOTAL \$258

- X Please charge Deposit Account No. 09-0449 the amount of \$258 to cover the claim fee. A duplicate copy of this sheet is enclosed.
- X The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 09-0449. A duplicate of this sheet is enclosed.
- X Any filing fees under 37 CFR 1.16 for the presentation of extra claims.
- X Any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

Dated: May 18, 2004

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Registration No. 39,867  
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## CERTIFICATE UNDER 37 CFR 1.8:

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David W. Victor

5/18/04  
Date

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: D.A. Burton et al. Examiner: Matthew D. Anderson  
Serial No.: 09/630,228 Group Art Unit: 2186  
Filed: August 1, 2000 Docket No.: TUC920000013US1  
TITLE: METHOD, SYSTEM, AND DATA STRUCTURES FOR USING  
METADATA IN UPDATING DATA IN A STORAGE DEVICE

OFFICIAL

CERTIFICATE UNDER 37 CFR 1.8:

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David W. Victor

5/18/04  
DateRESPONSE TO FINAL OFFICE ACTION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This amendment is submitted in response to the final office action dated February 18, 2004 in which the Examiner rejected claims 1, 15, 16, 30, 31, 42, 43, and 47-51 as anticipated (35 U.S.C. §102) or obvious (35 U.S.C. §103) over cited art, and found that claims 2-14, 17-29, 32-41, and 44-48 would be allowed if written in independent form to include the requirements of base and intervening claims.

On April 22, 2004, the attorney for Applicants and the Examiner held a phone interview discussing the claims. Although no agreement was reached, the Examiner said he would consider entering an amendment to the independent claims Applicants proposed and would reconsider the rejection in view of such amendments and arguments. Applicants have amended claims 1, 16, 31, and 43 as discussed during the phone interview and request the Examiner to enter this amendment because it does not raise issues that would require further searching. Applicants have further amended certain of the allowable claims to place in condition for allowance and canceled claims 49-51.

Amtdt. dated May 18, 2004  
Reply to Final Office Action of Feb. 18, 2004

Serial No. 09/630,228  
Docket No. TUC920000013US1  
Firm No. 0018.0074

Applicants submit that pending claims 1-48 are patentable over the cited art and in condition for allowance for the reason discussed herein.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 3.

**Remarks/Arguments** begin on page 18.